

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DANIEL JERIMIAH SIMMS,

Plaintiff,

Case No. C23-05068-MJP-SKV

V.

MINUTE ORDER

MICHAEL HATHAWAY et al.,

Defendants.

The following Minute Order is made at the direction of the Court, the Honorable S. Kate
an, United States Magistrate Judge:

On February 10, 2023, the Court received a letter from Plaintiff that appeared to contain a request for preliminary injunctive relief to prevent his transfer to Airway Heights Corrections Center. *See* Dkt. 7.

To obtain preliminary injunctive relief, Plaintiff must demonstrate: (1) a likelihood of success on the merits; (2) a likelihood of suffering irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in his favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Alternatively, under the “sliding scale” version of this test, a preliminary injunction may be appropriate where there are

1 serious questions going to the merits and the balance of hardships tips sharply in the moving
2 party's favor, and where the irreparable harm and public interest factors are satisfied. *All for the*
3 *Wild Rockies v. Pena*, 865 F.3d 1211, 1217 (9th Cir. 2017) (citations omitted).

4 The purpose of a preliminary injunction is to preserve the positions of the parties until a
5 trial on the merits can be held. *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981). It is an
6 extraordinary and drastic remedy that is never awarded as of right. *Munaf v. Geren*, 553 U.S.
7 674, 689-90 (1997). Furthermore, a preliminary injunction is only intended to grant intermediate
8 relief of the same character that would be granted if the party seeking the injunction succeeded
9 on the underlying claims. *Pac. Radiation Oncology, LLC v. Queen's Med. Ctr.*, 810 F.3d 631,
10 636 (9th Cir. 2015) (citing *De Beers Consol. Mines Ltd. v. United States*, 325 U.S. 212, 220
11 (1945)). Thus, a district court lacks authority to grant injunctive relief to address matters that
12 have no relationship or nexus to the claims set forth in the underlying complaint. *Id.*

13 If Plaintiff intends to seek preliminary injunctive relief, he must file and note a motion
14 with the Court, in compliance with Local Civil Rule 7, explaining why he is entitled to relief
15 under the above standards, and have the motion served on Defendants.

16 The Clerk is directed to send copies of this order to the parties and to the Honorable
17 Marsha J. Pechman.

18 Dated this 14th day of February, 2023.

19
20 Ravi Subramanian
Clerk of Court

21 By: Stefanie Prather
22 Deputy Clerk